

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

ROBERT CULLARS, III,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV 125-020
	)	
MARK MOORE, Sheriff,	)	
	)	
Defendant.	)	

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**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

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Plaintiff commenced the above-captioned civil rights case *pro se* concerning events alleged to have occurred Wilkes County, Georgia, and he requested permission to proceed *in forma pauperis* (“IFP”). On January 30, 2025, the Court granted Plaintiff’s IFP request, subject to returning his Prisoner Trust Fund Account Statement and Consent to Collection of Fees forms within thirty days and advised Plaintiff all prisoners, even those proceeding IFP, must pay the filing fee of \$350.00 in full. See 28 U.S.C. § 1915(b)(1). Plaintiff was cautioned failure to respond would be an election to have this case voluntarily dismissed without prejudice. (See doc. no. 4.)

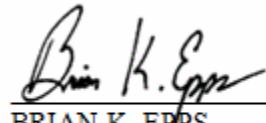
The Clerk of Court served Plaintiff with the Court’s Order at his place of incarceration when he commenced the case, Bacon Probation Detention Center. (See Jan. 30, 2025 doc. entry.) When Plaintiff submitted a letter explaining he transferred to Calhoun State Prison, the Court directed the Clerk to serve Plaintiff at his new address with another copy of the Court’s January 30th Order and attachments. (See doc. nos. 5, 6.) The Court also granted an extension

of the deadline to return the required paperwork through and including March 26, 2025. (Doc. no. 6.)

The extended time to respond has passed, and Plaintiff has not submitted the documents required by the Court's January 30th Order. Although Plaintiff returned the Prisoner Trust Fund Account Statement, (doc. no. 7), he did not return the Consent to Collection of Fees form. Nor has he provided the Court with any explanation to excuse his failure to comply with the Court's Order that he return both forms.

Plaintiff cannot proceed IFP unless he submits the requisite Trust Fund Account Statement and consents to collection of the entire \$350.00 filing fee in installments. Wilson v. Sargent, 313 F.3d 1315, 1319, 1321 (11th Cir. 2002) (citing 28 U.S.C. § 1915). Plaintiff has been warned that failing to return the necessary IFP papers would be an election to have his case voluntarily dismissed. As Plaintiff has neither fulfilled the requirements for proceeding IFP, nor paid the full filing fee, the Court **REPORTS** and **RECOMMENDS** this case be **DISMISSED** without prejudice and this civil action be **CLOSED**.

SO REPORTED and RECOMMENDED this 3rd day of April, 2025, at Augusta, Georgia.



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BRIAN K. EPPS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA